LLNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEWYORK

HERSHELE BROWN, N.Y.S.I.D# PLAINTIFF, RECEIVED SONY PRO SE OFFICE

2015 DEC 16 AM 10: 11

-AGAINST-

CIVIL RIGHT'S COMPLAINT PURSUANT TO 42 U.S.C. \$ 1983

PRINCILES, CORRECTIONS/S.R.G. OFFICER;
JOHN DOE, CORRECTIONS/E.S.U CAPTAIN;
COVINGTON, CORRECTIONS/E.S.U OFFICER* 17730;
CALASSO, CORRECTIONS/E.S.U OFFICER* 15502;
HAMIL, CORRECTIONS/E.S.U OFFICER* 17745;
IN THEIR INDIVIDUAL AND OFFICIAL CAPCITY
DEFENDANTS.

15CV9848

JURY TRIAL DEMANDED.

1-) STATEMENT OF JURISDICTION

THIS IS A CIVIL ACTION SEEKING RELIEF AND/OR DAMAGES TO DEFEND AND PROTECT THE RIGHTS GUARANTEED BY THE CONSTITUTION OF THE UNITED STATES "EXCESSIVE USE OF FORCE" AND "DUE PROCESS" THIS ACTION IS FILED / BROUGHT TO THE COURT PURSUANT TO: 42 U.S.C. § 1983, THE COURT HAS JURISDICTION OVER THIS ACTION PURSUANT TO: 28 U.S.C. § 1331, 1343 (3) AND (4), AND 2201.

2-) PARTIES TO THIS ACTION

A-PLAINTIFFS' INFORMATION:

HERSHELE BROWN, B&C#349-14-07084

G.R.V.C. IN.Y.C DEPARTMENT OF CORRECTION

O9-09 HAZEN STREET

EAST ELMHURST, NEWYORK 11370.

B. DEFENDANT'S INFORMATION:

DEFENDANT #-1): PRINGLES, OFFICIAL POSITION IS SECURITY RISK
GROUP CORRECTIONS OFFICER;
DEFENDANT IS SUED IN HER INDIVIDUAL AND OFFICIAL
CAPACITY.

EMPLOYED BY : THE CITY OF NEW YORK DEPARTMENT OF CORRECTIONS

@ MANHATTAN DETENTION COMPLEX

125 WHITE STREET

NEW YORK, NEW YORK 10013.

DEFENDANT # 3) : JOHN DOE, OFFICIAL POSTTION IS EMERGENCY SERVICE

UNIT CAPTAIN;

DEFENDANT IS SUED IN HIS INDIVIDUAL AND OFFICIAL

CAPACITY.

EMPLOYED BY): THE CITY OF NEW YORK DEPARTMENT OF CORRECTIONS @

EMERGENCY SERVICE UNIT

75-20 ASTORIA BOULEVARD

EAST-ELMHURST, NEW YORK 11370.

DEFENDANT H-3): COVINGTON, OFFICIAL POSITION IS EMERGENCY
SERVICE UNIT/RRT CORRECTION OFFICER;
DEFENDANT IS SUED IN HIS INDIVIDUAL AND OFFICIAL CAPACITY.

EMPLOYED BY: THE CITY OF NEWYORK DEPARTMENT OF CORRECTIONS, &

EMERGENCY SERVICE UNIT

75-20 ASTORIA BOULEVARD

EAST ELMHURST, NEWYORK 11370.

DEFENDANT #-41) CALASSO, OFFICIAL POSITION IS EMERGENCY SERVICE

UNIT PRI CORRECTION OFFICER

DEFENDANT IS SUED IN HIS INDIVIDUAL AND OFFICIAL

CAPACITY.

EMPLOYED BY: THE CITY OF NEW YORK DEPARTMENT OF CORRECTIONS @

EMERGENCY SERVICE UNIT

75-20 ASTORIA BOULEVARD

EAST EL MHURST, NEW YORK 11390.

DEFENDANT #-5): HAMIL, OFFICIAL POSITION IS EMERGENCY

SERVICE UNIT / RRT CORRECTION OFFICER;

DEFENDANT IS SUED IN HIS INDIVIDUAL AND OFFICIAL

CAPACITY.

EMPLOYED BY: THE CITY OF NEWYORK DEPARTMENT OF CORRECTIONS @

EMERGENCY SERVICE UNIT

75-20 ASTORIA BOULEVARD

EAST ELMHURST NEWYORK 11370.

3-) PREVIOUS LAWSLITS IN STATE AND/OR FEDERAL COURT

I HAVE NOT BEGUN / FILED ANY OTHER LAW SUITS IN STATE NOR FEDERAL COURT.

4) STATEMENT OF CLAIMIST

FED. R. CIV. P. 8(A) STATES THAT ALL PLEADINGS MUST CONTAIN A

SHORT AND PLAIN STATEMENT OF CLAIM SHOWING THAT THE

PLEADER IS ENTITLED TO RELIEF. THE FUNCTION OF PLEADINGS

UNDER FEDERAL RULES IS TO GIVE FAIR NOTICE OF THE CLAIMS]

ASSERTED. FAIR NOTICE IS THAT WHICH WILL ENABLE THE ADVERSE

PARTY TO ANSWER AND PREPARE FOR TRIAL, ALLOW THE APPLICATION

OF RES JUDICATA, AND IDENTIFY THE NATURE OF THE CASE SO IT MAY

BE ASSIGNED THE PROPER FORM OF TRIAL. SEE ESIMMONS-V. ABRUZZO,

49 F 3D 83, 86 (2D CIR. 1995).] FED. R. CIV. P. 10(B) STATES THAT IALL

AVERMENTS OF CLAIM... SHALL BE MADE IN NUMBER PARAGRAPHS, THE

CONTENTS OF EACH OF WHICH SHALL BELIMITED AS FAR AS FRACTICABLE

TO A STINGLE SET OF CIRCUMSTANCES.

5-) EXHAUSTION OF ADMINISTRATIVE REMEDIES

WITH RESPECT TO 42 U.S.C. & 1997 ED PLAINTIFF BRINGS
TO THIS HONDRABLE COURTS ATTENTION THAT THE NEWYORK CITY
DEPARTMENT OF CORRECTIONS ALLEGES THAT "EXCESSIVE USE OF FORE"
AND "ASSAULT" BY PRISON GMARDS IS NONE GRIEVABLE, SCONDY
PLAINTIFF INDEED FLIED A NOTICE OF CLAIM WITH THE CITY
COMPTROLLERS OF FICE, WHICH INDEED EXHAUSTED HES REMEDIES.

6-) CLAIM/COMPLAINT

ON MARCH 6, 2015 AT APPROXIMATELY 11:40 AM, IN THE CONFINES OF GEORGE R. VIERNO CENTER HEREIN AFTER "G.R.V.C." HOUSING AREA - 7-A, WHICH IS A FACILITY UNDER THE IMMEDIATE JURIS DICTION OF THE CITY OF NEWYORK DEPARTMENT OF CORRECTION, ON THE FOREGOING DATE, APPROXIMATE TIME AT SAID LOCATION AN TACTICAL SEARCH OPERATION WAS IN PROGRESS, SUPERVISED BY DEFENDANT-JOHN DOE! WHEN DEFENDANT-COVINGTON ARRIVED TO PLAINTIFFS CELL LOCATION, CELL#18 (COVINGION) STEPPED TO PLAINTEFFS CELL AND DIRECTED PLAINTIFF TO STRIP, WHICH PLAINTIFF WAS FULLY COMPLIANT WITH ALLORDER, HOWEVER (COVINGTON) TOOK ONE OF PLAINTIFF PERSONAL SNEAKERS AND FOLDED IT IN HALF AND USED IT TO WEDGE THE CELL DOOR TO KEEP IT AJAR, WHEN PLAINTIFF ASKED WHY (COVINGTON) MUST USE HTS SNEAKER (COVINGTON) THEN BECAME VERY BELLIGERENT AND STATING DON'T QUESTION WHAT THE FUCK I DO, DO AS YOUR TOLD AND SHUT THE FUCK UP, PLAINTIFF THEREAFTER INFORMED (COVENGION) THAT HE WAS BEING VERY UN-PROFESSIONAL, AT THIS POINT (COVINGTON) STATED TO PLAINTIFF ARE YOU REFUSING THIS SEARCH, WHICH PLAINTIFF OR RESPONDED THAT HE WAS NOT REFUSING, ONCE PLAINTIFF COMPLETED THE "STRIP FRISK" PORTION OF SAID SEARCH, (COVENGTON) DERECTED PLAINTIFF TO GRAB HIS MATTRESS FOLD IT IN HALF OVER HIS ARMS AND BACK OUT OF THE CELL, IN WHICH PLAINTIFF WAS FULLY COMPLIANT WITH ALL ORDERS GIVEN TO HIM, AS PLAINTIFF WAS BACKING OUT OF CELL

DEFENDANT-COVINGTON | TACKLED PLAINTIFF DOWN TO THE GROUND IN BETWEEN THE CELL DOOR AND OF TIER, (COVINGTON) WAS STRIKKING PLAINTIFF ALL OVER HIS UPPER AND LOWER BACK AND THE ENTIRE HEAD AND FACIAL AREA WITH CLOSED FIST PLACHES, AT THIS POINT | DEFENDANT(S) - CALASSO; AND HAMILII JOINED (COVINGTON) AND STARTED KICKING / STOMPING PLAINTIFF ALL OVER HIS UPPER/LOWER BACK AND HIS HEAD THESE CURRUPTED PRISON OFFICIALS USED AN EXTREME AMOUNT OF UN NECCESSARY BRUTE FORCE AGAINST AND ON PLAINIFF (MR. BROWN) MOREOVER DEFENDANT-JOHN DOE! WAS THE SUPERVISOR OF THIS TACTICAL SEARCH OPERATION, AND HE AT NO TIME STOPPED THE DEFENDANTS FROM VIOLATING (MR. BROWN) CONSTITUTIONAL REPORTS TO BE FREE FROM CRUEL AND UNUSUAL POINTSHMENT, WHICH IS PROTECTED BY THE 8TH AMENDMENT OF THE UNITED STATES @ CONSTITUTION, WHERE FORE DEFENDANT JOHN DOE INDEED ACTED UNDER ACOLOR OF LAW WITH REGARDS TO UR BROWN CONSTITUTIONAL RIGHTS, MORE OVER DEFENDANTS CONTRIGION; CALASSO; AND HAMIL ALL ACTED UNDER A COLOR OF LAW WHERE FORE THEY ALL KNOW THAT THE DEPARTMENTAL RULES & REGULATION REFRAINS THEM FROM USING AN UNNECLESSARY FORCE, AS A RESULT OF THE DEFEDANTS) VIOLATIONS OF (MR. BROWNS) CONSTITUTIONAL RIGHTS, (MR. BROWN) SUSTAINED SOME MINOR INJURIES MEDICALLY NOTED A SMALL ABRASION TO THE LEFT SIDE OF HIS TEMPLE AREA, YET HE FURTHER HAS MAJOR LIFE LONG INJURIES: SUCH AS EXTREME LOWER BACKPAIN, CONSTANT MIGRANE HEADACHES, PERMENANT BLURRED VISION IN HIS LEFT EYE, AND CONSTANT NIGHTMARES OF BEING

"BEAT DOWN" ASSAULTED BY CORRECTION OFFICIALS, MOREOVER
WHEN EVER (MR. BROWN) COMES IN CONTACT WITH ESU OFFICERS
WHICH IS OFTEN HE BECOMES VERY NERVOUS AND FEARFUL,
DEFENDANTS) CRUELI AND UNUSUAL ACTS TO DATE HAS (MR. BROWN)
GOING THROUGH PHYSICAL THERAPY AS WELL AS MENTALTHERAPY,

IDEFENDANT-PRINGLES DENIED PLAINTIFF DUE PROCESS WHEREFORE SHE IS THE SECURITY RISK GROUP CORRECTION OFFICER ASSIGNED TO MANHATTAN DETENTION COMPLEX WHERE (MR. BROWN) WAS TRANSFERRED TO AS A RESULT OF THE INCIDENT THAT TRANSPIRED ON MARCH 6TH, 2015; UPON ARRIVAL TO MANHATTAN DETENTION COMPLEX IT WAS THE SCOPE OF DEFENDANT- PRINCLES DUTIES TO ENSURE THAT (MR. BROWN) WAS TIMELY SERVED NOTICE OF DESCIPLINARY INFRACTION FORM# 6500-A, SEE EXHIBIT-AL AS OUTLINED IN NYC DOC DIRECTIVE# 6500-B STATES THAT TRACKING INMATES MUST BE SERVED WITH NOTICE OF INFRACTION WITHIN 72 HOURS OF THE INCLIDENT THIS INCIDENT OCCURRED ON 3/6/2015 AND PLAINTIFF WAS SERVED ON 3/11/2015 SEE EXHIBITION (A), AND (B) WHEN BROUGHT TO DEFENDANT-PRINCLES! TOLD (MR. BROWN) FUCK HIS CONSTITUTIONAL RETAHTS SHE RUNS SHIT HERE LOOK AT THAT STEN SEE WHAT ITSAYS MS. P'S HEARING OFFICE, THIS INDEED DENTED (MR. BROWN) HIS DUE PROCESS.

7-) RELIEF SEEKING

A-) COMPENSATORY DAMAGES:

1) PLAINTIFF RESPECTFULLY DEMANDS \$2. MILLION
DOLLARS IN COMPENSATORY RELIEF FOR THE PAIN
AND SUFFERING HE WENT THROUGH THEN, CURRENTLY GIOING
THROUGH NOW AND WILL POSSIBLE 60 THROUGH IN THE
FUTURE AS A RESULT OF THE DEFENDANTS ACTION. SEE
MEDICAL RECORDS ATTACHED.

2) PLAINTIFF, FURTHER RESPECTFULLY DEMANDS AN ADDITIONAL \$2. MILLION DOLLARS FOR THE EMOTIONAL STRAIN, MENTAL ANGUISH, AND PYSCHOLOGICAL TRAUMA THAT (MR. BROWN) IS CURRENTLY GOING THROUGH, WENT THROUGH NUNC PRO TUNC AND WILL GO THROUGH, NIGHTMARES OF CORRECTION OFFICIALS TRYING TO ASSAULT HIM, ETC.

B) INJUNCTIVE RELIEF:

PENDING THE OUTCOME OF THIS ACTION ALL DEFENDANTS
HEREIN BE SUSPENDED, AND FURTHER A TEMPORARY RESTRAINING
ORDER BE ISSUED RESTRAINING DEFENDANTS AND THEIR
COUNTER PARTS FROM RETALIATING AGAINST PLAINTIFF IN ANY WAY

PURSUANT TO 28 U.S.C. & 1746 I DECLARE UNDER THE PENALTY OF PERSURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATED! NOVEMBER 21ST 2015 EAST ELMHURST, NEWYORK RESPECTFULLY SUBMITTED

X Fleishele Brown

HERSHELE BROWN

PLAINTIFF PRO-SE

Case 1:15-cv-09848-UA Document 2 Filed 12/16/15

CORRECTION DEPARTMENT CITY OF NEW YORK



I contify that I received a copy of this notice Served by Print Name, Rank and Form: 6500A

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EXHIBIT-B

416R



03/29/06

CLASSIFICATION # 6500R-B

DISTRIBUTION

A

SUBJECT

INMATE DISCIPLINARY DUE PROCESS

APPROVED FOR WEB POSTING

X YES NO

PAGE 2 OF 21 PAGES



III. PROCEDURES (cont.)

- 3. The investigation shall commence within twenty-four (24) hours of the incident. At the conclusion of the investigation, the supervisor investigating the incident shall document their official report on Form #6500B "Investigation Report" (Attachment B) and notice of any resulting infraction shall be served upon the inmate as soon as practicable but no later than three (3) business days after the incident, unless extenuating factors exist which would require an extension of such time limit. For infractions comprised solely of Grade II and Grade III violations, that extension shall not exceed ten (10) days after the incident. For infractions that include Grade I rule violations, the time limit may be extended beyond ten (10) days to thirty (30) days under the following circumstances:
 - a. The underlying event is a major disturbance in which multiple inmates are alleged to have committed multiple rule violations;
 - As a result of the inmate's alleged misconduct, staff or inmate witnesses necessary to the investigation cannot be questioned (e.g., hospitalized or otherwise unavailable) by supervisory staff conducting the investigation;
 - c. Sufficient evidence to warrant the initiation of disciplinary proceedings only becomes known to the Department after the ten (10) day period has elapsed.

NOTE: In the case of an escapee or absconder the time will be held in abeyance until such time as the escapee or absconder is returned to custody.

In any case in which an inmate is served with an infraction more than three (3) business days after the incident, the supervisor conducting the investigation must explain in writing, with specificity, the reasons why the infraction could not be completed sooner and steps that were taken to complete it.

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CORRECTION DEPARTMENT

	CITY	OF	NEW	YORK	
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	INJURY TO INMATE REPORT INSTRUCTIONS: Original Report to Security, One copy to Clinic Lock Box, Or			Page 1 of 2 Pages	V	SR-A	
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Written Sworn AFFIDAVIT

ON March 6, 2015 At Approximately 11:40 A.M. during a TSO Search while At GRVC C.F., I Hershele Brown I.D. # 349-14-071 NYSID # 6362001 J, WAS UNDECCESSAVILY ASSEMITED by ESUIRRY officer Covington # 17730, as well as other ESU/RRT officers.dur the time A Search of my Cell was Supposedly being Conducted. ESU/R officer Covington # 17730, was the officer who initially apnoach my Cell For this Alleged Cell Senrch. ESU/RIZT officer Covington # 17730 then instructed me to begin a "Strip Frisk" by first handing him my Sneakers, in which I Complied. Esulant officer Covingto #17730 then began to use (1) of my personal Sneaker to hold open my Cell door by wedging it up in between the door. At H time I asked Eculket officer Covington # 17730, "Why did he ha to wedge my Swearker in between? I then Suggested that he should use a book or Magazine like Just about every other office does to everyone during a Cell Search". Esulart officer Coving #17730 then responded by stating. "Donguestion what the Fu I Do, Just do what the fuck your fold to do And shut the fuck up." I then responded by stating to officer Covington #17730 that he's being very unprofessional by falking to me in this manner Esulnet officer Coungton #17730 responded by strating. Are you refusing to Comply with this Cell Search". I then informed him that"I was not refusing to Comply", and began to Stripfrisk as instructed. Upon Completion of this Strip Frisk, I was instructed by Esular officer Covington # 17730 to pick up my mattress from off the bed And to place the mattress under both arms, and to turn around backwards and step outside of the Cell-As I did as instructed and turn around and began to exit my

hell

cell by Stepping backwards, I was then tackled to the ground be Esulert officer Covington#17730. Esulert officer Covington # 17730 held me to the ground by vernaning on top of me, and who on the ground I began to hear other Esular officers run into my cell. These officers then began to kick and punch me while bein held to the ground defenseless by Esulert officer Covington #177 as well as other EsuTrat officers. As a result of this defenseless AHACK demonstrated upon me by these ESU/RRT officer's, I was kich 12 to the head Aswell As purposely Kneed into my back Several times while on the ground. Within the misbehavior report written on me, who was to Tustify this intentional brutality brought upon me by these office You will see that the Lody of this misbehavior report is incomplete. The officer that wrote this misbehavior report never gives A reason for me allegedly dropping my mattress to the floor and advancing towards Esulert officer Covington #17730. The actions describe within the misbehavior report is of Someone "mentally unstable for M person to decide to aggressively advance towards Someone for No reason, as Suggessfed within this misbehavior report. If you check my mental health background, you will find that I have "No history of being mentally unstable", which as A result, will further Support my claim of these Esulper officers fabricating their reason for Committing this act of brutality upon me. Affacto this Boworn Affidavit, you will find my medical records indicate that as a result of this "Correction Officers Brutality", I sustaine "physical injuries". You will find that as of result of being Kicke IN the hend by one of these Esulart officers, I had Swelling in the left Side of my "temple Aven". As a result of this kick in

the head, I have been experiencing "Constant Headache's" as a As" blurred Vission" on my left eye. Also, on behalf of being Kneed into my lower back "Several times by Esular officer Covington #17730, I have been having extreme "lowerback pai on a regular basis. I was diagnosed with a "lower back lumba Sprain and Strain" by Orthopedic Doctor Gordon Kennedy of West Facility Connectional Facility. As a result of this back issue, I have been Attending "Physical Therapy" At West Facility Connectional Facility on a weekly basis. In ending, You will see that all injuries proclaimed here within this "Sworn AFFIDAVIT" Are injuries Sustained as a result of the brutality inflicted upo me by these Esupret officer's on the date of March 6,2015, and WAS hever A Issue of injury on record until this date. I ask that upon review of this "Entire Incident", I'my granted "FAIR And Just Compensation as A result. I also hope that A prompt agreement can be reached that will resolve this issue in A respectful manner.

Kespectfully Submitted, Hershefe Brown

Hershele | SROWN I.D.#349-14-07084

FACILITY, 125 white St., NewYork, N.Y. 1001

Sworn to before me this 8th day August 2015

Commissioner of Deeds
City of New York No: 2-1309 B
Certificate Fiel in: Kingo County
Commission Expires: Tune 1 2017